

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:13CV71-RLV**

**GENESIS ELDERCARE REHABILITATION )  
SERVICES, INC., d/b/a GENESIS )  
REHABILITATION SERVICES; and )  
RESPIRATORY HEALTH SERVICES, LLC, )  
Plaintiffs, )**

**vs. )**

**Memorandum & Order**

**HEALTHTIQUE WINSTON SALEM, LLC, )  
d/b/a WINSTON SALEM NURSING and )  
REHABILITATION, et al., )  
Defendants. )**

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**THIS MATTER** is before the Court on Plaintiffs' Renewed Motion to Stay, filed July 12, 2013. (Doc. 10).

Pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge David C. Keesler was designated to consider and recommend disposition in the aforesaid motion. In an opinion filed July 16, 2013, Magistrate Judge Keesler recommended that Plaintiffs' motion be denied in part and granted in part. (Doc. 11 / M & R at 1, 3.) The time for filing objections has since passed, 28 U.S.C. §636(b)(1)(C), and no objections have been filed by either party in this matter.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections); *Diamond v. Colonial Life*, 416 F.3d 310, 315–16 (4<sup>th</sup> Cir. 2005). Accordingly, the Court hereby accepts the Memorandum & Recommendation of

the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that the Plaintiffs' Renewed Motion To Stay (Doc. 10) is hereby **DENIED**.

**IT IS FURTHER ORDERED** that the Plaintiffs' Alternative Motion to Dismiss *without prejudice* is hereby **GRANTED**.

Signed: August 20, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees  
United States District Judge

